

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

MR. JEFFREY PRATT,)
Plaintiff,)
vs.) Civil Action No. 12-669
CO EDWARDS; CO. BUFORD; CO) Judge Joy Flowers Conti/
MCCLOUDSKY; CO DURANT; DEPUTY) Magistrate Judge Maureen P. Kelly
BRANFORD; SGT. SEPILYAK;)
COUNSELOR HORTON; CO GIER; CO)
BOWSER; MAJOR ESTOCK; MICHELLE)
HOWARD DIGGS,)
Defendants.)

MEMORANDUM ORDER

Jeffrey Pratt (“Plaintiff”), brought this civil rights action against multiple defendants, who were all employed at SCI-Pittsburgh, where Plaintiff was housed at the time of the alleged incidents that gave rise to the present action. Plaintiff complained of receiving contaminated food and about the confiscation of evidence that supported his claim that he was served contaminated food.

Plaintiff initiated this prisoner civil rights suit on May 18, 2012 when the clerk’s office received the complaint which was not accompanied by either the filing fee or an application to proceed *in forma pauperis*. The case was eventually referred to a United States Magistrate Judge for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and the applicable local rules.

After some preliminary proceedings, the court issued several orders to Plaintiff during the month of December 2012, sending them in envelopes which reflected that they were from this court. ECF No. 20; ECF No. 21 and ECF No. 23. These three orders were all returned with a notation on the envelopes that Plaintiff refused to accept this mail. ECF No. 25. Consequently,

the magistrate judge filed a Report and Recommendation (the “Report”), recommending that the case be dismissed as malicious. ECF No. 27. The Report was sent by first class mail to Plaintiff at his address of record. On March 22, 2013, the Report was returned to the clerk’s office with a notation on the envelope that Plaintiff refused to accept legal mail and refused to have legal mail opened in front of him. ECF No. 28. The Report gave Plaintiff notice that he had until March 25, 2013, by which to file objections. Obviously, no objections will be forthcoming.

Accordingly, after *de novo* review of the pleadings and the documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 3rd day of April, 2013;

IT IS HEREBY ORDERED that the complaint is dismissed pursuant to the Prison Litigation Reform Act as malicious.

IT IS FURTHER ORDERED that the Report and Recommendation, ECF No. 27, filed on March 6, 2013, by Magistrate Judge Kelly, is adopted as the opinion of the court. The clerk is to mark the case closed.

Lastly, the court certifies pursuant to 28 U.S.C. § 1915(a) that any appeal from this order would not be taken in good faith.

Date: April 3, 2013

/s/ Joy Flowers Conti
JOY FLOWERS CONTI
UNITED STATES DISTRICT JUDGE

cc: Maureen P. Kelly
United States Magistrate Judge

JEFFREY PRATT
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